

Daniel Gee, Esquire (#4672)
Marcus, Broder, Ahart & Gee
121 Johnson Road
Turnersville, NJ 08012
(856) 227-0800
Attorney for Debtor

FILED
JAMES J. WALDRON, CLERK

APR 1 2004

U.S. BANKRUPTCY COURT
BY DEPUTY

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

IN THE MATTER OF:	: CHAPTER 11
	: :
Michael Warner and Dana Warner	: CASE NO. : 03-48491-JHW
	: :
	: Hearing Date: 4/19/04
	: :
Balmoral Financial Corporation,	: Adversary Proceeding No: 04-1274
	: :
Plaintiff	: :
	: :
v.	: :
	: :
Michael Warner and Dana Warner	: :
	: :
Defendant	: :

DEBTOR'S MOTION TO DISMISS ADVERSARY COMPLAINT

TO: Laura Beth Taylor, Esquire	Isabel C. Balboa
William W. Erhart, P.A.	Chapter 13 Standing Trustee
800 King Street, Suite 301	Cherry Tree Corporate Center
Wilmington, DE 19801	535 Route 38, Suite 580
Attorney for Unsecured Creditor,	Cherry Hill, NJ 08002
Balmoral Financial Corporation	

PLEASE TAKE NOTICE that on ^{May 3} April 19, 2004 at 10:00 a.m. in the forenoon or as

soon thereafter as counsel may be heard, counsel for Movants, Michael Warner and Dana

Warner, shall move before the Honorable Judith H. Wizmur, of the United States

Bankruptcy Court for the District of New Jersey, 401 Market Street, Camden, New Jersey

for the following relief:

1. For an Order Dismissing Balmoral Financial Corporation's Adversary Complaint; and,

MARCUS, BRODER,
AHART & GEE
ATTORNEYS AT LAW
121 Johnson Road
Turnersville, NJ 08012

2. For such other and further relief that this Court may deem just and equitable.

Movant shall rely upon the attached Motion and supporting documentation filed herewith.

STATEMENT OF NO BRIEF NECESSARY

In accordance with D.N.J. LBR 9013-2 a brief is not necessary for the determination of the within Motion inasmuch as the Motion is regular in form and nature, does not involve complex issues of law, and the Motion and Certification of Counsel attached hereto includes any and all legal argument and citation necessary to this Motion.

Marcus, Broder, Ahart & Gee
Attorneys for the Debtor

Dated:

3/29/04

By:



Daniel Gee, Esquire
ID #4672

LAW OFFICES OF

**Marcus
Broder
Ahart
& Gee**

A PROFESSIONAL CORPORATION

SCOTT H. MARCUS*
DANIEL GEE*
SETH N. BRODER*
COREY E. AHART**

*Also admitted to PA Bar
*Also admitted to FL Bar
*Also admitted to D.C. Bar

121 JOHNSON ROAD
TURNERSVILLE, NJ 08012
(856) 227-0800
TELECOPIER (856) 227-7939
www.marcuslaw.net

400 GREENWOOD AVENUE
WYNCOTE, PA 19095
(215) 887-7070

10211 WEST SAMPLE ROAD
SUITE 117
CORAL SPRINGS, FL 33065

REPLY TO: TURNERSVILLE

March 29, 2004

Clerk, United States Bankruptcy Court
U.S. Post Office & Courthouse, 2nd Floor
401 Market Street
P.O. Box 2067
Camden, NJ 08101-2067

Re: Michael and Dana Warner
Chapter 13 Case #: 03-48491
Adversary No: 04-1274

Dear Clerk:

This office represents the interest of the above-captioned Chapter 13 debtors. Enclosed please find an original and one (1) copy of the Debtor's Motion to Dismiss the Adversary Complaint filed by Balmoral Financial Corporation.

Please same in the usual course providing my office with a filed, stamped copy in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation in this regard.

Very truly yours,



DANIEL GEE, ESQUIRE
FOR THE FIRM

DG/jga

Enclosure

cc: Laura Beth Taylor, Esquire

Isabel C. Balboa, Chapter 13 Standing Trustee
Client

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